

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Telephone Number Portability</b>	)	<b>CC Docket No. 95-116</b>

**REPLY COMMENTS OF THE ALABAMA RURAL LOCAL EXCHANGE  
CARRIERS**

The Alabama Rural Local Exchange Carriers<sup>1</sup> (“the Rural ILECs”) listed herein, by and through their attorneys of record, submit the following reply comments in response to the Commission’s Further Notice of Proposed Rulemaking (“*Further Notice*” or FNPRM) in CC Docket No. 95-116 issued November 10, 2003 and a further *Order* extending the time for comment issued on December 22, 2003.<sup>2</sup> On January 20, 2004, seventeen (17) companies and telecommunications associations filed comments in response to the Commission’s FNPRM concerning the implementation of wireless-to-wireline local number portability, in which the Commission seeks comment concerning the facilitation of wireless-to-wireline porting when the wireless number’s assigned rate center differs from the rate center in which the wireline carrier seeks to provide service.

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<sup>1</sup> The Rural ILECs include Ardmore Telephone Company, Inc., Blountsville Telephone Company, Brindlee Mountain Telephone Company, Butler Telephone Company, Inc., Castleberry Telephone Company, Inc., Farmers Telephone Cooperative, Inc., Frontier Communications of Alabama, Frontier Communications of Lamar County, Frontier Communications of the South, Inc., Graceba Total Communications, Inc., GTC, Inc., Gulf Telephone Company, Hayneville Telephone Company, Inc., Hopper Telecommunications Company, Inc., Interstate Telephone Company, Millry Telephone Company, Inc., Mon-Cre Telephone Cooperative, Inc., Moundville Telephone Company, Inc., National Telephone of Alabama, Inc., New Hope Telephone Cooperative, Inc., Oakman Telephone Company, Inc., OTELCO Telephone, LLC, Peoples Telephone Company, Inc., Pine Belt Telephone Company, Inc., Ragland Telephone Company, Inc., Roanoke Telephone Company, Inc., Union Springs Telephone Company, and Valley Telephone Company.

<sup>2</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284 (rel. Nov. 10, 2003) (*Further Notice*). See also *In the Matter of Telephone Portability, Order*, CC Docket No. 95-116, DA 03-4059 (rel. Dec. 22, 2003) (extending time to comment).

The Commission also seeks comment as to whether it should reduce the current four-day porting interval for wireline carriers for intermodal porting. The Rural ILECs agree with the comments filed by other wireline carriers that wireless-to-wireline porting is feasible only if the wireless subscriber's assigned rate center is the same as the prospective wireline carrier's rate center and that the porting interval for wireline carriers should not be reduced when porting a wireless customer to a wireline carrier.

**I. The Commission Should Not Require Wireless-to-Wireline Porting Between Differing Rate Centers.**

This Commission has recognized that there are "limitations on wireline carriers' networks ability to port-in numbers from distant rate centers"<sup>3</sup> and that the innate structural differences between the network configurations and the rating requirements of wireless and wireline carriers may prevent wireless-to-wireline porting in many circumstances.<sup>4</sup> As AT&T accurately observed, the ILEC's switch is configured on the location of the rate center, while the CMRS carriers' switches serve geographical areas defined by the wireless carriers' cellular sites.<sup>5</sup> Most wireless carriers do not, therefore, interconnect directly with rural LECs, nor do they maintain telephone numbers in the rural carriers' rate centers.<sup>6</sup> Consequently, as the Commission and other commenters have stated, when a wireless customer's physical location is "outside of the rate center

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<sup>3</sup> *Further Notice* at para. 22. See also *Further Notice*, Separate Statement of Commissioner Jonathan S. Adelstein.

<sup>4</sup> See *Further Notice*, Separate Statement of Commissioner Kathleen Q. Abernathy.

<sup>5</sup> Comments of AT&T Corp. (Jan. 20, 2004), at p. 6.

<sup>6</sup> Comments of the South Dakota Telecommunications Association (SDTA), Townes Telecommunications, Inc., and Dickey Rural Telephone Cooperative (Jan. 20, 2004), at p. 2; Comments of the Oklahoma Rural Telephone Companies (Jan. 20, 2004), at p. 2.

associated with that number, porting the number to a wireline telephone at the customer's location could result in calls to and from that number being rated as toll calls.”<sup>7</sup>

While it is likely that some toll calls dialed from ported numbers would also be billed as local calls, it is presumptuous to dismiss this problem by simply assuming that the misbilling will be a “wash”.<sup>8</sup> Since end office switches determine the point of delivery for a call based upon the area code and the exchange, or NXX, of the number being called, intermodal porting between differing rate centers may lead to wrongful call completion by the caller's presubscribed toll carrier, the exchange of incorrect information in carrier databases, and the forced development of new billing systems able to track the physical location of these ported numbers.<sup>9</sup> As noted by the National Emergency Number Association (NENA), porting across rate center boundaries also has grave implications for ensuring that E-911 calls made from ported-in numbers retaining their previously assigned wireless area codes are forwarded to the proper Public Safety Answering Points (PSAPs) assigned to the geographical areas from which the calls originate.<sup>10</sup>

Many of the Rural ILECs have limited capital resources, budgets, and staff. Castleberry Telephone Company, Inc. is an example of an extremely small rural ILEC with less than ten employees serving only one rate center in Castleberry, Alabama. Castleberry anticipates that the cost to upgrade its switch to comply with the requirement of provisioning wireline-to-wireless number portability alone will surpass \$100,000, not

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<sup>7</sup> *Further Notice* at para. 41.

<sup>8</sup> Comments of Centennial Communications Corp. (Jan. 20, 2004), at pp. 4-5.

<sup>9</sup> Comments of Verizon (Jan. 20, 2004), at pp. 5-7.

<sup>10</sup> Comments of the National Emergency Number Association (NENA) (Jan. 20, 2004), at pp. 1-2. *See also* Comments of SBC Communications Inc. (Jan. 20, 2004), at pp. 4-6.

including the cost of potential right to use fees, translation support efforts, back office costs related to billing and plant records, and number portability dip contract costs. Castleberry has no existing trunks or processes in place between it and any CMRS provider for the purpose of providing local number portability. The additional costs on such small companies to provision what are certain to be rare requests for wireless-to-wireline portability will certainly surpass any possible benefit to consumers.<sup>11</sup>

Further, the Commission's proposals related to wireless-to-wireline porting in those circumstances in which the rate centers do not match fail to comport with the definition of local number portability provided by the Communications Act of 1934, as amended ("the Act"), and the Commission's own rules; that is, "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."<sup>12</sup> Wireless-to-wireline porting of numbers assigned by each carrier to differing rate centers appears to be another step in the direction of "geographic location portability,"<sup>13</sup> which this Commission has heretofore refused to mandate because it reasoned that such a requirement is not in the public interest and raises significant implementation issues for carriers.<sup>14</sup> Such a requirement would also create unnecessary and burdensome costs on carriers and on directory,

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<sup>11</sup> See also Comments of Texas Statewide Telephone Cooperative, Inc. (Jan. 20, 2004), at p. 2.

<sup>12</sup> *Further Notice* at paras. 3 and 6, citing 47 U.S.C. § 153 (30) and 47 C.F.R. § 52.21 (k).

<sup>13</sup> This Commission has previously defined geographic location portability as "the ability of end users to retain the same telephone numbers when moving from one location to another, either within the area served by the same central office or between areas served by central offices." *In the Matter of Telephone Number Portability, Notice of Proposed Rulemaking*, 10 F.C.C.R. 12350, 12356 (1995). See also Comments of BellSouth Corporation (Jan. 20, 2004), at pp. 4-5, 19.

<sup>14</sup> *In the Matter of Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C.R. 8352, 8449 (1996).

operator, and emergency services providers.<sup>15</sup> BellSouth alone estimates the cost of providing intermodal porting across rate centers to be minimally equivalent to the \$440 million spent by the company to implement wireline service provider portability.<sup>16</sup> The Rural ILECs agree with the comments of the Illinois Citizens Utility Board that the Act's definition of number portability supports wireless-to-wireline portability when the wireline wire center receiving the port is within the geographic coverage area of the wireless carrier's wire center, just as this Commission has required wireline-to-wireless portability when there is a geographical overlap between the requesting wireless carrier's "coverage area" (defined as "the area in which wireless service can be received from the wireless carrier")<sup>17</sup> and the physical location of the customer's wireline number.<sup>18</sup>

The Rural ILECs also agree that the Commission's proposal that wireline carriers absorb the cost of permitting a ported-in customer to maintain the same local calling area that it enjoyed with its wireless carrier would result in discriminatory rates and services that would be antithetical to competition.<sup>19</sup> These wireline customers would receive expanded calling areas and services not available to other similarly situated customers who would, in essence, also provide an indirect subsidy for the ported-in customer's enhanced service.<sup>20</sup> As BellSouth has noted, the authority to establish local calling areas and service rates resides solely with state commissions, not with the FCC; the

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<sup>15</sup> *Id.* at 8444-8445. *See also* Comments of BellSouth Corporation (Jan. 20, 2004), at pp. 4-9, 19.

<sup>16</sup> Comments of BellSouth Corporation (Jan. 20, 2004), at p. 9.

<sup>17</sup> *Further Notice* at para. 22.

<sup>18</sup> Comments of the Illinois Citizens Utility Board (Jan. 20, 2004), at pp. 2-4.

<sup>19</sup> Comments of SDTA (Jan. 20, 2004), at p. 3.

<sup>20</sup> *Id.*

Commission therefore lacks the requisite authority to require wireline carriers to adopt the local calling areas offered by the wireless carriers and absorb the resulting costs to intrastate local service rates.<sup>21</sup>

In addition, the Commission seeks comment on the extent to which wireline carriers can utilize Foreign Exchange (FX) or virtual FX services to serve customers with numbers ported-in from wireless carriers.<sup>22</sup> FX service, which provides a customer with local dial tone from a remote switch, imposes additional costs on the wireline carrier above the cost required for local service and cannot, therefore, be competitively priced with wireless service.<sup>23</sup> Virtual FX service allows a customer to maintain a number with an NPA-NXX assigned to a foreign rate center but obtain dial tone from the central office serving the customer's physical address; however, it is also not a viable substitute for wireless-to-wireline portability since it may not support all calling features, including E-911, and may require costly changes to billing and provisioning systems.<sup>24</sup> Even one wireless carrier admits that FX and virtual FX services are costly options for ILECs that require dedicated FX lines for each number ported.<sup>25</sup> Similarly, rate center consolidation

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<sup>21</sup> Comments of BellSouth Corporation (Jan. 20, 2004), at p. 18. *See also* Comments of the Oklahoma Rural Telephone Companies (Jan. 20, 2004), at pp. 3-4.

<sup>22</sup> *Further Notice* at para. 44.

<sup>23</sup> Comments of AT&T Corp. (Jan. 20, 2004), at p. 4; Comments of SBC Communications Inc. (Jan. 20, 2004), at p. 9; Comments of BellSouth Corporation (Jan. 20, 2004), at p. 16.

<sup>24</sup> Comments of AT&T Corp. (Jan. 20, 2004), at p. 5; Comments of SBC Communications Inc. (Jan. 20, 2004), at p. 9.

<sup>25</sup> Comments of Nextel Communications, Inc. (Jan. 20, 2004), at p. 6.

may deprive some carriers of intrastate toll revenue,<sup>26</sup> unduly confuse customers, and further impact the provisioning of E-911 services.<sup>27</sup>

Lastly, although the Cellular Telecommunications and Internet Association (CTIA) states that wireline carriers may simply “seek rate design and rate center changes at the state level to establish larger calling areas and rate plans that are competitive with the calling areas and rates offered by wireless carriers,”<sup>28</sup> this proposal is the least likely to provide relief to rural carriers. Rural calling areas are tied to historic network design as well as a regulatory environment that, unlike the CMRS providers, limits their ability to make “rate design changes”. The incumbent LECs remain tightly regulated by their state commissions, and their lack of pricing flexibility (along with carrier of last resort obligations) hinders their ability to compete effectively with wireless carriers that can freely establish broad calling areas and price their services as needed.<sup>29</sup> As long as incumbent LECs remain heavily regulated at state and federal levels, they cannot equalize the competitive disparities that inherently exist between them and the wireless carriers.

## **II. The Commission Should Not Reduce the Current Wireline Porting Interval for Intermodal Porting.**

As noted by virtually every commenter in this proceeding, the current porting interval of four days between wireline and wireless carriers was established by this Commission based on the recommendations of the North American Numbering Council

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<sup>26</sup> *Id.* at pp. 7-8.

<sup>27</sup> Comments of BellSouth Corporation (Jan. 20, 2004), at p. 15.

<sup>28</sup> Comments of the Cellular Telecommunications & Internet Association (CTIA) (Jan. 20, 2004), at pp. 2-3.

<sup>29</sup> Comments of SBC Communications Inc. (Jan. 20, 2004), at p. 10.

(NANC) for simple ports<sup>30</sup> after much negotiation and agreement between wireline carriers across the country.<sup>31</sup> It should remain the standard for wireless-to-wireline porting.

Verizon and SDTA have outlined their porting procedures to this Commission in considerable detail,<sup>32</sup> and Verizon has also cautioned the Commission to revisit the recommendations of the NANC identifying three compelling reasons why the porting interval should not be reduced for simple ports; namely, that such a reduction would require wireline carriers to (1) automate and create a uniform FOC process; (2) eliminate or adjust batch processing; and (3) increase personnel and staffing costs.<sup>33</sup> The cost of reconfiguring the ILEC's operational support systems (OSS) in order to meet reduced porting intervals would therefore require a substantial investment of the ILEC's time, capital, and human resources.<sup>34</sup>

The Rural ILECs concur that there is no substantial evidence to indicate that reducing the porting interval will significantly benefit consumers or even impact a

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<sup>30</sup> *North American Numbering Council Local Number Portability Administration Working Group, Third Report on Wireline-Wireless Integration* (Sept. 30, 2000), at 6. See also *North American Numbering Council Local Portability Administration Working Group, Second Report on Wireline-Wireless Integration* (June 30, 2000), at 8.

<sup>31</sup> See, e.g., Comments of Qwest Corporation (Jan. 20, 2004), at p. 7; Comments of AT&T Corp. (Jan. 20, 2004), at p. 6; Comments of Verizon (Jan. 20, 2004), at p. 12.

<sup>32</sup> Comments of Verizon (Jan. 20, 2004), at pp. 14-15; Comments of SDTA (Jan. 20, 2004), at pp. 6-7 and Appendix 1.

<sup>33</sup> Comments of Verizon (Jan. 20, 2004), at pp. 14-17, citing *North American Numbering Council Local Number Portability Administration Working Group, Third Report on Wireline-Wireless Integration* (Sept. 30, 2000), at 13-14. See also Comments of AT&T Corp. (Jan. 20, 2004), at p. 9, citing *Further Notice* at para. 45.

<sup>34</sup> See, e.g., Comments of USTA (Jan. 20, 2004), at p. 6; Comments of SDTA (Jan. 20, 2004), at pp. 7-8; Comments of Qwest Corporation (Jan. 20, 2004), at pp. 7-8; Comments of Verizon (Jan. 20, 2004), at p. 16; Comments of Texas Statewide Telephone Cooperative, Inc. (Jan. 20, 2004), at pp. 2-3; Comments of BellSouth Corporation (Jan. 20, 2004), at p. 22.



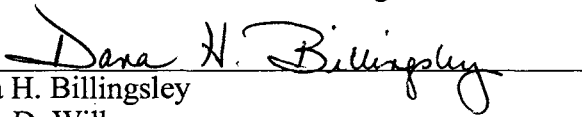
consumer's decision as to whether or not to port and to which carrier.<sup>35</sup> As AT&T has accurately stated, maintaining the existing porting interval will not create a competitive disadvantage for any carrier, since all carriers will continue to compete for customers at the same porting interval,<sup>36</sup> and it will mutually benefit the telecommunications industry and its customers by ensuring that customers continue to reap the benefits of accurate and well-coordinated ports,<sup>37</sup> including the provisioning of essential services, such as E-911.

### CONCLUSION

The Rural ILECs encourage the Commission not to extend the requirement for intermodal porting when the wireless number's assigned rate center differs from the rate center in which the wireline carrier seeks to provide service. Likewise, the ILECs respectfully submit that the Commission should not require the use of FX or virtual FX services to support intermodal porting and that it should not reduce the current four-day porting interval for wireless carriers.

Respectfully submitted,

The Alabama Rural Local Exchange Carriers

By   
Dana H. Billingsley  
Mark D. Wilkerson  
Leah S. Stephens  
Their Attorneys

Brantley, Wilkerson & Bryan, P.C.  
P.O. Box 830  
Montgomery, Alabama 36101-0830  
(334) 265-1500

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<sup>35</sup> Comments of Qwest Corporation (Jan. 20, 2004), at p. 11; Comments of SBC Communications Inc. (Jan. 20, 2004), at p. 13; Comments of BellSouth Corporation (Jan. 20, 2004), at p. 23.

<sup>36</sup> Comments of AT&T Corp. (Jan. 20, 2004), at p. 10.

<sup>37</sup> Comments of SBC Communications Inc. (Jan. 20, 2004), at p. 13.

## CERTIFICATE OF SERVICE

I, Dana H. Billingsley, hereby certify that on this 4<sup>th</sup> day of February, 2004, a true and correct copy of the above and foregoing REPLY COMMENTS OF THE ALABAMA RURAL LOCAL EXCHANGE CARRIERS has been filed by electronic mail\* and forwarded by U.S. Mail, first class, postage prepaid and properly addressed to:

\*Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, D.C. 20554

Angela N. Brown, Esq.  
BellSouth Corporation  
Suite 4300  
675 West Peachtree Street, NE  
Atlanta, Georgia 30375-0001

\*Qualex International  
The Portals, 445 12<sup>th</sup> Street, SW  
Room CY-B402  
Washington, D.C. 20554

Ron Comingdeer, Esq.  
Comingdeer, Lee & Gooch  
6011 N. Robinson  
Oklahoma City, Oklahoma 73118

Scott Freiermuth, Esq.  
Sprint Corporation  
6450 Sprint Parkway  
Overland Park, Kansas 66251

Laura H. Phillips, Esq.  
Laura S. Gallagher, Esq.  
Drinker Biddle & Reath LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Cammie Hughes  
Texas Statewide Telephone Cooperative, Inc.  
3721 Executive Center Drive, Suite 200  
Austin, Texas 78731

William A. Brown, Esq.  
SBC Telecommunications, Inc.  
1401 Eye Street, NW, Suite 1100  
Washington, D.C. 20005

Richard A. Rocchini, Esq.  
AT&T Corp.  
One AT&T Way, Room 3A227  
Bedminster, New Jersey 07921

Indra Sehdev Chalk, Esq.  
United States Telecom Association  
1401 H Street, NW, Suite 600  
Washington, D.C. 20005

L. Marie Guillory, Esq.  
Jill Canfield, Esq.  
National Telecommunications Cooperative  
Association  
4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, Virginia 22203

Robert J. Aamoth, Esq.  
Kelley Drye & Warren, LLP  
1200 19<sup>th</sup> Street, NW, Suite 500  
Washington, D.C. 20036

Michael Altschul, Esq.  
Cellular Telecommunications & Internet  
Association  
1400 16<sup>th</sup> Street, NW, Suite 600  
Washington, D.C. 20036

Julie L. Soderna, Esq.  
Citizens Utility Board  
208 South LaSalle Street, Suite 1760  
Chicago, Illinois 60604

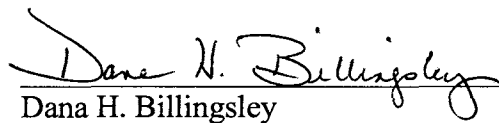
James R. Hobson, Esq.  
Miller & Van Eaton, PLLC, #1000  
1155 Connecticut Avenue, NW  
Washington, D.C. 20036-4320

Benjamin H. Dickens, Jr., Esq.  
Mary J. Sisak, Esq.  
Blooston, Mordkofsky, Dickens, Duffy &  
Prendergast  
2120 L. Street, NW, Suite 300  
Washington, D.C. 20037

Christopher W. Savage, Esq.  
Cole, Raywid & Braverman, LLP  
1919 Pennsylvania Avenue, NW  
Suite 200  
Washington, D.C. 20006

Sherry A. Ingram, Esq.  
Verizon  
1515 North Courthouse Road  
Suite 500  
Arlington, Virginia 22201

Andrew D. Crain, Esq.  
Kathryn Marie Krause, Esq.  
Qwest Corporation  
Suite 950  
607 14<sup>th</sup> Street, NW  
Washington, D.C. 20005

  
Dana H. Billingsley